IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4484 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE M.C.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

CHANDUBHAI SHANABHAI PARMAR

Versus

RAMANBHAI ZAVERBHAI SOLANKI

Appearance:
1. First Appeal No. 4484 of 2001
MR SK BUKHARI for Petitioner No. 1-3
..... for Respondent No. 1-2
MR AJAY R MEHTA for Respondent No. 3

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE M.C.PATEL

Date of decision: 15/07/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. Admit only qua respondent No.3. The learned counsel appearing for the respondent no.3 waives service of notice of this appeal. Both the learned counsel state that their parties are agreeable to modifying the award by making the insurance company liable to pay interest from the date of the application i.e. 17th December 1993 instead of 1st August 1999, from which it has been awarded by the Tribunal. They are also agreeable that the rate of interest payable will be reduced from 12% per annum awarded by the Tribunal to 9% per annum. It is accordingly directed that the impugned award shall stand modified only to the extent that the respondent No.3 insurance company will be liable to pay interest from the date of the claim application i.e. 17th December 1993 with interest at the rate of 9% per annum till realization of the amount by the appellants. The impugned award shall stand modified accordingly. There shall be no order as to costs. The appeal stands disposed of accordingly with no order as to costs.

[R.K.ABICHANDANI, J.] [M.C.PATEL, J.]

parmar*